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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 JOSE LUIS VALENCIA-MENDOZA,  
12 Petitioner,  
13 vs.  
14 UNITED STATES of AMERICA,  
15 Respondent.

Civil No. 06-2284 DMS (BLM)

**ORDER DISMISSING CASE WITHOUT  
PREJUDICE**

16 Petitioner, a prisoner in federal custody, proceeding pro se, has filed a Petition for Writ  
17 of Habeas Corpus pursuant to 28 U.S.C. § 2241, but has not paid the \$5.00 filing fee and has not  
18 moved to proceed in forma pauperis.

19 A Petition for Writ of Habeas Corpus must either be accompanied by a \$5.00 filing fee  
20 or an application to proceed in forma pauperis. See Local Rule 3(a), 28 U.S.C. foll. § 2254. If  
21 Petitioner wishes to proceed with this action he must submit a copy of this Order with the  
22 requisite \$5.00 fee or adequate proof he cannot pay the fee no later than **December 18, 2006**.  
23 **For Petitioner's convenience the Clerk of Court shall attach to this Order, a blank request**  
24 **to proceed in forma pauperis.**

25 **IT IS SO ORDERED.**

26 DATED: October 24, 2006

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28 cc:parties

  
HON. DANA M. SABRAW  
United States District Judge